

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HARRY VERN FOX,
Plaintiff,
v.
HENRY RICHARDS, *et al.*,
Defendants.

Case No. C06-5063 RBL/KLS

**ORDER RE-NOTING
PLAINTIFF'S MOTION TO
DISMISS**

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Before the Court is Defendants' motion to dismiss. (Dkt. # 18). This motion was originally noted for consideration on December 8, 2006, but was stayed, along with all other activity in the case, pending Plaintiff's appeal of this Court's order denying his motion for the appointment of counsel. (Dkt. # 21). The District Court denied Plaintiff's appeal on January 22, 2007 (Dkt. # 23), and this case may proceed forward. The Court finds that the motion to dismiss should now be re-noted to allow the Plaintiff an appropriate amount of time to file a response.

Accordingly, the Clerk of the Court shall **re-note** Defendants' motion to dismiss (Dkt. # 18) for **February 23, 2007**. Plaintiff's response shall be filed and served not later than 4:30 p.m. on the Monday immediately preceding the Friday appointed for consideration of the motion. If Plaintiff fails to timely file and serve a response to the motion, the court may deem any opposition to be without merit, pursuant to Local Rule CR 7(b)(4). Defendants may file, not later than 4:30 p.m. on the Thursday immediately

1 preceding the Friday designated for consideration of the motion, a response Plaintiff's opposing brief, if
2 any.

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4 DATED this 23rd day of January, 2007.

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10 Karen L. Strombom
United States Magistrate Judge

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